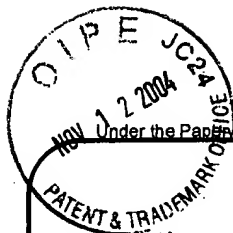


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PTO/SB/30 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/939,484
Filing Date	August 24, 2001
First Named Inventor	Fabrice Duprat
Art Unit	1642
Examiner Name	Christopher H. Yaen
Attorney Docket Number	1201-CIP-DIV-00

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☒ Affidavit(s)/ Declaration(s)
- iv. ☒ Other 8 References Cited in Response

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
Deposit Account No. 50-2719. I have enclosed a duplicate copy of this sheet.
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any additional fee found to be due in connection with this submission.
- b. ☒ Check in the amount of \$ 395 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Paul Carango</i>	Date	<u>Nov. 9, 2004</u>
Name (Print/Type)	Paul Carango	Registration No.	42,386

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Paul Carango</i>	Date	<u>Nov. 9, 2004</u>
Name (Print/Type)	Paul Carango		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1642  
Examiner : Christopher H. Yaen  
Serial No. : 09/939,484  
Filed : August 24, 2001  
Inventor : Fabrice Duprat  
          : Florian Lesage  
          : Michel Fink  
          : Michel Lazdunski  
Title : FAMILY OF MAMMALIAN POTASSIUM  
      : CHANNELS, THEIR CLONING AND THEIR  
      : USE, ESPECIALLY FOR THE SCREENING  
      : OF DRUGS

Customer No.: 35811  
Docket: 1201-CIP-DIV-00  
Confirmation No.: 3868

Dated: November 9, 2004

**RESPONSE**

**Mail Stop RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 20, 2004, the Applicants filed a Notice of Appeal on October 20, 2004. In lieu of filing an Appeal Brief, the Applicants now submit this substantive response to the outstanding Office Action.

The Applicants note with appreciation the withdrawal of the rejections set forth in the first Office Action. Claims 9-15 are pending in the Application.

**Claim Rejections under 35 U.S.C. § 101**

Claims 9-15 have been rejected for allegedly failing to meet the utility requirement of 35 U.S.C. § 101. An invention meets the utility requirements of § 101 if one skilled in the art would appreciate why the invention is useful and if the utility is specific, substantial and credible. *Utility Examination Guidelines*, 66(4) F.R. 1092, 1098, January 5, 2001. Where the applicant has asserted that the claimed invention is useful for any particular practical purpose